

S/N Unassigned

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Galyon et al.	Examiner:	Unassigned
Serial No.:	Unassigned	Group Art Unit:	Unassigned
Filed:	Herewith	Docket No.:	60044.0058USC4
Title:	Methods and Compositions for Retarding and Eradicating Infestation in Trees and Tree Derived Products		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV359708804US
Date of Deposit: September 30, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Name: James D. Withers

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/134,109 filed on April 18, 2002 and its predecessor applications.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5100



Name: James D. Withers
Reg. No.: 40,376
CUSTOMER NUMBER 23552

Date: September 30, 2003

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 60044.0058USC4	Application Number: Not yet assigned
	Applicant: Gaylon, et. al	
	Filing Date:	Group Art Unit:

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,968,590	1/17/61	Ploquin	167	14	
	2,998,310	8/29/61	O'Brien	71	2.2	
	3,099,598	7/30/63	Birkner et al.	167	38.5	
	3,305,298	2/21/67	Chapman et al.	21	7	
	3,325,298	6/13/67	Brown	106	52	
	3,376,144	4/2/68	Stutz	106	15	
	3,378,381	4/16/68	Draganov	106	15	
	3,531,278	9/29/70	Nies	71	128	
	3,674,458	7/4/72	Schattner	71	77	
	3,706,161	12/19/72	Jenson	47	57.5	
	3,812,251	5/21/74	Mima et al.	424	148	
	3,993,752	12/1/81	Stutz	424	129	
	4,076,871	11/23/76	Short et al.	427	397	
	4,269,875	2/28/78	Bechgaard et al.	427	291	
	4,291,497	5/26/81	Mamankov	47	58	
	4,303,726	9/29/81	Turner	427	297	
	4,373,010	2/8/83	Oberley	428	532	
	4,400,298	8/23/83	Boocock et al.	252	400R	
	4,461,721	7/24/84	Goettsche et al.	252	607	
	4,536,306	8/20/85	Horodsky et al.	252	32.7	
	4,610,881	9/9/86	Bechgaard	424	148	
	4,620,990	11/4/86	Dicker	427	291	
	4,719,110	1/12/88	Patel et al.	424	148	
	4,761,179	8/2/88	Goetsche	106	18.32	
	4,801,404	1/31/89	Dietrich et al.	252	607	
	5,017,620	5/21/91	Grassman et al.	514	698	
	5,061,698	10/29/91	Malouf et al.	514	64	
	5,094,028	3/10/92	Hume	43	132.1	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 60044.0058USC4	Application Number: Not yet assigned
	Applicant: Gaylon, et. al	
	Filing Date:	Group Art Unit:

U.S. PATENT DOCUMENTS							
	5,129,946	7/14/92	Evans	106	18.3		
	5,151,127	9/29/92	Thompson	106	15.05		
	5,296,240	3/22/94	Palmere et al.	424	660		
	5,460,816	10/24/95	Palmere et al.	424	405		
	5,525,147	6/11/96	Dunstan et al.	424	660		
	5,564,222	10/15/96	Brody	43	124		
	5,592,774	1/14/97	Galyon	43	124		
	5,645,828	7/8/97	Palmere et al.	424	78.08		
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	46,380	4/12/85	European Patent Office				X
	103,359	3/21/84	European Patent Office				X
	58-163,605	9/28/83	Japan (Translation)			X	
	2088211A	01/82	UK				
	937,766	9/25/63	United Kingdom				X
	1,254,504	11/24/71	United Kingdom				X
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		USDA Forest Service, "Lead Cooperative Research on Integrated Protection of Solid and Composite Wood Building Components Against Damage by Insects, Fungi, and Fire with Borate Treatments," Lonnie H. Williams, Dec. 2, 1985.					
		International Research Group on Wood Preservation, "Remedial Wood Preservative Efficacy of Bora-Care Against the Formosan Subterranean Termite and Eastern Subterranean Termite (Isoptera: Rhinotermitidae)," Nan-Yao Su et al., April 2, 1991.					
		1990 Annual Buyers Guide Log Home Living, "A New Borate-based Preservative for Dry Wood and Existing Homes," p. 80, 1990 (month unknown).					
		American Wood-Preserves' Association Standard, "All Timber Products-Preservative Treatment by Pressure Processes," (date unknown).					
		Back Home in the Kentucky, "Perma-Chink Introduces Bora-Care," p. 17, Jan/Feb 1990.					
		Chem. Abstract, Vol 104:87706x, March 17, 1986.					
		Chemical Engineer News, "Preserving the Past," pp. 10-19, Nov 14, 1988.					
		Forest Products Journal, "Integrated Protection Against Lyctid Beetle Infestations. IV Resistance of Boron-Treated Wood (Virola spp.) To Insect and Fungal Attack," Lonnie H. Williams et al., Vol. 37,					

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 60044.0058USC4	Application Number: Not yet assigned
	Applicant: Gaylon, et. al	
	Filing Date:	Group Art Unit:

	No. 2, Feb 1987.
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	<i>Forest Products Journal</i> , "Termiticidal Effects of a Glycol Borate Wood Surface Treatment," J. Kenneth Grace et al., Nov/Dec. 1992.
	<i>Mother Earth News</i> , "Safe Termite Control," Karla Harby, pp. 80-83, March/April 1988.
	<i>Muir's Original Log Home Guide for Builders and Buyers</i> , "New Treatment Available for Insect Control" Nov./Dec. 1989.
	<i>Northeast Edition Woodshop News</i> , "Tenn. Firm Markets Borate Preservative," p. 16, March 1990.
	<i>PCT</i> , "Pre-Treat Woes: What's the Solution," pp. 44, 45, & 48, March 1990.
	<i>Practical Homeowner</i> , "Borate-Treated Wood," Don Best, pp. 22 & 24, Oct 1989.
	<i>Practical Homeowner</i> , "New Borate Treatment," p. 14, March 1990.
	<i>The Journal of Light Construction—Eight Penny News</i> , "Nontoxic Alternative to CCA," Don Best, Vol. 8, No. 5, Feb. 1990.
	<i>USDA Forest Service</i> , "Treated Test House Field Exposure Evaluations Research and Technology Transfer Demonstration Project" Williams et al. (undated).
	<i>USDA Forest Service</i> , "Protect Your Wood with Borates," Sept 1987.
	<i>USDA Forest Service</i> , "Borates for Wood Protection-Evaluating Test Houses Built with Borate Treated Wood in Mississippi," Jan. 1990.
	Abstract of Japan 03223205 A2, Nov. 1991.
	Abstract of Soviet Patent SU 649,739 (1979), entitled "Industrial Lubricant for Cold Working Metals by Pressure."
	Abstract of Japanese Patent JP 4,6031,847 (1971), entitled "Surface Active Borates."
	Abstract of German Patent DE 2,831,538 (1980), entitled "Brake Fluids for Motor Vehicles."
	Abstract of German Patent DE 2,438,038 (1975), entitled "Brake Fluids for Motor Vehicles."
	Abstract for Polish Patent PL 126,504 B1 (1985), entitled "Wood Preservatives."
	"A Test of 'Boracol,' A New Formulation Containing Borates, For the Diffusion Treatment of Lumber," Johnston et al., May 1986.
	<i>USDA Forest Service</i> , "Borates Offer Effective Protection with Less Hazard to the Environment," January 1990.
	<i>International Research Group on Wood Preservation</i> , "A Chemical and Mycological Evaluation of Fused Borate Rods and a Borate/Glycol Solution for Remedial Treatment of Window Joinery," Edlund et al., March 15, 1983.
	<i>British Wood Preserving Association</i> , "Borate Diffusion Techniques for the In-Situ Treatment of Joinery," Dicker et al., June 1983.
	<i>South African Wood Preservers Assoc.</i> , "Boron Compounds in Wood Preservation," Len T. Arthur, September 1993.
	<i>Commonwealth Sci. Ind. Res. Org. (Australia)</i> , "Laboratory Studies of Termite Resistance: III. A Comparative Study of Anti-Termite Value of Boric Acid, Zinc Chloride, and 'Tanalith U,' " Gay et al., December 1957.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number:	Application Number:
	60044.0058USC4	Not yet assigned
	Applicant: Gaylon, et. al	
	Filing Date:	Group Art Unit:

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		<i>International Research Group on Wood Preservation</i> , "Borates as Wood Preserving Compounds: The Status of Research in the United States," Barnes et al., March 1989.
		<i>International Research Group on Wood Preservation</i> , "Termite Resistance of Treated Wood in an Above Ground Field Test," Preston et al., pp 30-32, March 15, 1985.
		<i>International Research Group on Wood Preservation</i> , "Utilization of Curcumin for Detection of Presence of Boron in Wood," Marie-Louise Edlund, February 1982.
		<i>The Sri Lanka Forester</i> , "The Threshold Level of Boron Preservatives Against Attack by the Dry-Wood Termite-Cryptotermes Domesticus—Kalotermitidae," Vol. 12, No. 2, Tisseverasinghe et al., July-December, 1975.
		<i>Forest Products Journal</i> , "Treatment of Log-Home Logs with Thickened Boron," Puettmann, et al., pp. 30-32, Vol. 42, No. 11/12, Nov/Dec 1992.
		Reports for Batch Numbers 1001-1010 of a formulation made from ethylene glycol, Tim-Bor, and water by the original corporate patent owner, June-November, 1988.
		Selected invoices showing that the formulation of ethylene glycol, Tim-Bor, and water made in Batch Numbers 1001-1010 were sold during August-November, 1988.
		<i>Log Home Guide for Builders and Buyers</i> , "Rest Assured" advertisement listing the patent owner's Bora-Care product, p. 243, Jan/Feb 1989.
		Letter from original corporate patent owner to Mr. Don Turner of the U.S.S. Constitution addressing the Bora-Care product, dated April 3, 1989.
		Follow-up letter from original corporate patent owner to Mr. Don Turner of the U.S.S. Constitution addressing the Bora-Care product, dated June 7, 1989.
		Letter from original corporate patent owner to Mr. Scott Dombrosky of Naval Facilities Engineering Command addressing the Bora-Care product, dated April 19, 1989.
		Letter from original corporate patent owner to Mr. Charles Stayton of the Texas Agricultural Extension Service addressing the Bora-Care product, dated March 14, 1989.
		Letter from original corporate patent owner to Mr. Donald Schultz of the National Park Service addressing the Bora-Care product, dated April 18, 1989.
		Letter from original corporate patent owner to Mr. Jim Rock of J. Rock Associates addressing the Bora-Care product, dated April 19, 1989.
		Letter from original corporate patent owner to Mr. Alan Perkinson of U.S. Borax & Chemical Company addressing the Bora-Care product, dated April 7, 1989.
		Letter from Innovative Marketing to the original corporate patent owner addressing the Bora-Care product, dated March 1, 1989.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	